

REMARKS

Applicants wish to thank the Examiner for careful consideration given this Application. Upon entry, claims 6-15 will be pending in this application. Claim 6, which the Examiner has indicated as being allowable but which stands objected to as being dependent on a rejected independent claim, has been amended to incorporate the relevant subject matter of independent claim 1. Claims 1-5, 16-20, 44 and 46 have been cancelled. Claims 7, 10, 12 and 13 have been amended to correct a typographical error, and claims 13-15 have been amended to depend from independent claim 6. No new matter is added. Each of the rejections set forth in the Office Action is addressed below in the order presented therein.

35 U.S.C. § 112

Claims 1-5, 16-20, 44, and 46 were rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. While Applicants respectfully disagree and traverse this rejection, claims 1-5, 16-20, 44, and 46 have been cancelled rendering the outstanding rejection moot. Applicants expressly reserve the right to pursue claims of similar scope to those presented in one or more continuation applications.

35 U.S.C. § 102

Claims 1-4, 16-19, 44, and 46 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 98/16240 to Meers et al. While Applicants respectfully disagree with the outstanding rejection, claims 1-4, 16-19, 44, and 46 have been cancelled rendering it moot.

Claims 1-5, 16, 17, 44, and 46 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kipp et al. Biochemistry, 41:7344-7349 (2002). While Applicants respectfully disagree with the outstanding rejection, claims 1-5, 16, 17, 44, and 46 have been cancelled rendering it moot.

Double Patenting

Claims 1-4, 16-19, and 44 were rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,992,063. While Applicants respectfully traverse this rejection, claims 1-4, 16-19, and 44 have been cancelled rendering the outstanding double patenting rejection moot.

Claims 1-5 and 16 were further provisionally rejected on the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Application No. 10/777,946. While Applicants respectfully traverse this rejection, claims 1-5 and 16 have been cancelled rendering the outstanding double patenting rejection moot.

Objections

Claims 6-15 stand objected to as being dependent upon a rejected base claim. Claim 6 has been amended to incorporate the relevant subject matter of independent claim 1 and is now in independent form. Claims 7-15 have been amended to depend from now independent claim 6. Accordingly, the outstanding objection has been rendered moot. Applicants respectfully submit that claims 6-15 are in condition for allowance, and notice to such effect is respectfully requested.

Application Formalities

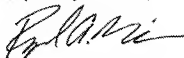
Applicants thank the Examiner for the courteous interviews extended to Paralegal Emily Scattaregia on May 8, 2009 and September 30, 2009, during which correction of the priority claim was discussed. Applicants submit herewith a Supplemental Application Data Sheet correcting the typographical error in the priority PCT Application Number and an amendment to paragraph [0001] of the specification correcting same. A substitute Declaration correcting the statement of foreign priority claim to recite Title 35, United States Code, Section 371 will be filed shortly thereafter. Applicants thank the Examiner for approving of submission of the substitute Declaration shortly after the filing of this response in order to allow for sufficient time to obtain the signatures of all inventors. Upon receipt of the substitute Declaration, Applicants respectfully request correction of the bibliographic data sheet for the present application.

CONCLUSION

There being no further outstanding rejections or objections, Applicants respectfully assert that the pending claims are in condition for final allowance and respectfully request notice to such effect. Should the Examiner have any questions or comments, or need any additional information from Applicants' representatives, he is invited to contact the undersigned at his convenience.

In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R.A. Miller', written over a horizontal line.

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